

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:)	
TIMOTHY BRYANT CLIFT and)	
CHARLENE EVELYN CLIFT,)	CASE NO. 12-04165-PMG
)	CHAPTER 13
<u>Debtors.</u>)	

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF
CLAIM EIGHT (8) OF THE BANK OF NEW YORK MELLON AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of the Homestead property mortgage held by Citifinancial Equity Services, Inc. (Claim Eight) and to Strip Lien (the "Motion") filed November 28, 2012 and said Creditor having failed to file a written response to the Motion in accordance with Rule 2002--4, Local Bankruptcy Rules, it is

ORDERED:

1. The Motion to Determine Secured Claim Status of Claim Eight (8) is GRANTED pursuant to 11 U.S.C. §506(a) and the mortgage lien is voided pursuant to 11 U.S.C. §506(d).
2. The value of that portion of Claim Eight (8) secured by Real Property (Homestead) is \$0.00. The balance of this claim shall be treated as unsecured.
3. The legal description of this property is as follows:

The following described land, situate, lying and being in the
County of Nassau, State of Florida, to wit:

Lot 33, Creekside Unit II, according to the Plat thereof as recorded
in Plat Book 7, Pages 32 and 33, of the Public Records of Nassau County, Florida.

Address: 87212 Branch Creek Dr., Yulee, FL 32097 Tax Map or
Parcel ID NO.: 51-3N27-0262-0033-0000

4. The mortgage held by The Bank of New York Mellon recorded on October 10, 2006 at OR Book 01450, Pages 1861 through 1871, Instrument No. 200638599 of the official records

of Nassau County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of The Bank of New York Mellon's lien prior to the entry of the Debtors' discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED this 16 day of January 2013 at Jacksonville, Florida

Paul M. Glenn
PAUL M. GLENN
United States Bankruptcy Judge

Copies to:

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Attorney for Creditor, The Bank of New York Mellon, c/o Prober & Raphael, P.O. Box 4365, Woodland Hills, CA 91365-4365

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
S.B. NO. 7677